

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
GREENVILLE DIVISION

Kolando Legrand, #281476,
Plaintiff
vs.
Penelope Owens, Officer;
Keith Gordon, Officer;
Maurice Landy, Officer;
Connie Miller, Grievance Officer;
and Linda Sanders, Disciplinary
Hearing Officer,
Defendants.

The plaintiff, a state prisoner proceeding *pro se*, filed this action seeking relief pursuant to Title 42, United States Code, Section 1983.

Pursuant to the provisions of Title 28, United States Code, Section 636(b)(1)(B), and Local Rule 73.02(B)(2)(d), D.S.C., this magistrate judge is authorized to review all pretrial matters in cases filed under Title 42, United States Code, Section 1983, and submit findings and recommendations to the District Court.

On February 4, 2005, defendants Gordon and Miller filed a motion to dismiss. By order of this court filed February 9, 2005, pursuant to *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975), the plaintiff was advised of the summary dismissal procedure and the possible consequences if he failed to respond adequately. Despite this explanation, the defendant did not respond. By order filed June 1, 2005, the plaintiff was given through June 24, 2005, to respond to the previous motion to dismiss, and to provide more accurate service addresses for defendants Owens and Landy. The defendant did not respond.

In the meantime, on June 8, 2005, defendant Sanders also filed a motion to dismiss. A second *Roseboro* order was entered that same date; however, the plaintiff failed to respond to Sanders' motion. On July 14, 2005, the court entered an order giving the plaintiff a final opportunity, through August 8, 2005, to file responses. On the same date, July 14, 2005, the plaintiff filed a motion for voluntary dismissal without prejudice. The defendants have not opposed this motion.

Wherefore, it is recommended that the plaintiff's motion be granted and this action be dismissed without prejudice.

s/Bruce H. Hendricks
United States Magistrate Judge

August 3, 2005

Greenville, South Carolina